



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/568,389

02/15/2006

Ennio Grasso

09952.0024

1137

22852 7590 10/20/2008  
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

EXAMINER

PARDO, THUY N

ART UNIT

PAPER NUMBER

2168

MAIL DATE

DELIVERY MODE

10/20/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/568,389	GRASSO, ENNIO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thuy N. Pardo	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 24-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/15/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Applicant's Preliminary Amendment filed February 15, 2006 is presented for examination. Claims 24-46 are pending in the application. Claims 24 and 35 are independent claims. Claims 1-23 are canceled. This Office Action is made Non-Final.

#### ***Drawings***

2. The drawings are objected since they fail to show necessary textual labels of features or symbols in Figure 1-5, 8 and 9 as described in the specification. Textual labels would give the viewer necessary details to fully understand Figure 1-5, 8 and 9 at a glance. A descriptive textual label for each number element in these figures would be needed to fully and understand these figures without substantial analysis of the detailed specification. See 37 CFR 1.84 (o) below:

(o) Legends . Suitable descriptive legends may be used subject to approval by the Office, or may be required by the examiner where necessary for understanding of the drawing. They should contain as few words as possible.

#### ***Claim Objections***

3. Claim 46 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 1-34. See MPEP § 608.01(n). Accordingly, the claim 46 is not been further treated on the merits.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 35-45 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The content of these claims does not constitute a statutory process, machine, manufacture or composition of matter in which the statutory process must result in a physical transformation. For instance, these claims are system (apparatus) claims. However, there is no hardware either in the preamble or in the body of claims. Correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 24, 27, 29, 30, 35-41, 45 and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Vargas US Patent Application Publication No. 2004/0103405.

Art Unit: 2168

As to claim 24, Vargas teaches a method for transferring objects between a first and a second platform [a bi-directional translator has been provided that translates source code from one computer language to another divergent computer language, ab; 0029; fig. 1], said platforms providing a reflection framework adapted to allow introspection of the meta-information [class/subclass headers, 0104] that describes the structure of said objects [560 of fig. 14; 0135], comprising the step of:

translating said objects [to parse source file into tree of source code elements, 0110] to be transferred into XML payloads [0110] by reading the characteristics of said objects through said reflection framework [First computer language source code 102 is input to translator 108, which has as a first block, analyzer 114. Analyzer 114 is also coupled to library 110 which, as previously discussed, comprises data indicative of relationships between the first computer language source code 102 and the second computer language source code 104, 0090-0094], thereby carrying out introspection of the meta-information that describes the structure of the classes of said objects [class/subclass headers, 0104].

As to claim 27, Vargas teaches the invention substantially as claimed. Vargas further teaches writing a start document; reading the respective objects properties through said reflection framework; writing the property name and value if said property is basic type, writing the property name and calling recursively if said property is object type and writing the property name and value of all components if said property is array type [name segments and types of data, 0065; 0112-0117].

Art Unit: 2168

As to claim 29, Vargas teaches the invention substantially as claimed. Vargas further teaches selecting at least one of said first and second platforms as a Java platform [native implementation of Java platform classes, 0107].

As to claim 30, Vargas teaches the invention substantially as claimed. Vargas further teaches selecting at least one of said first and second platforms as a .Net platform [.NET platform classes in target language, 0107].

As to claim 46, Vargas teaches the invention substantially as claimed. Vargas further teaches a computer program product capable of being loaded in the memory of at least one computer and comprising software code portions for performing the these steps of the method [0008; 0015; 0030].

As to claims 35-41 and 45, all limitations of these claims have been addressed in the analysis of claims 24, 27, 29, 30 and 46 above, and these claims are rejected on that basis.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 25-28, 31-34 and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vargas US Patent Application Publication No. 2004/0103405 in view of Warren US Patent Application No. 2003/0204612.

As to claim 25, Vargas teaches the invention substantially as claimed. However, Vargas does not explicitly teaches that the translating processes use an asynchronous delivery facility although it has the same functionality of translating source code file to another language source code Warren teaches using an asynchronous delivery facility for translating processes [0027]. Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add this feature of Warren to Vargas's system as an essential means to provide an efficient way to design a single networking strategy that could transport real-time video and audio as well as image files, text and email.

As to claim 26, Vargas and Warren teach the invention substantially as claimed. Vargas further teaches re-translating said objects transferred as XML payloads to said second platform into objects of said second platform [a bi-directional translator has been provided that translates source code from one computer language to another divergent computer language, ab; 0029; fig. 1].

As to claim 28, Vargas and Warren teach the invention substantially as claimed. Vargas further teaches resolving a class name from a document name creating an object of said second

Art Unit: 2168

platform and pushing it on a stack and either pushing the XML content on stack or pushing a new object on stack after getting the property type of object on stack [0094; 0118] or popping a value and assigning it to a top object [0117].

As to claim 31, Vargas and Warren teach the invention substantially as claimed. Vargas further teaches selecting said asynchronous delivery facility as a peer-to-peer delivery facility.

As to claims 32 and 33, Vargas and Warrant teach the invention substantially as claimed, with the exception of selecting TCP or UDP as said asynchronous delivery facility. However, these features are design choices. It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add these features to Vargas-Warren's system as an essential means using TCP to provide reliable, ordered delivery of a stream of bytes from one program on one computer to another program on another computer, or using UDP to send short messages sometimes known as datagram (using Datagram Sockets) to one another.

As to claim 34, Vargas and Warren teach the invention substantially as claimed. Vargas further teaches providing in said second platform at least one connector of said delivery facility as well as a set of worker threads for carrying out the requested operations and a reactor function for decoupling said at least one connector from said set of worker threads [0018].

As to claims 42-44, these claims are apparatus claims of claims 24-34 above, and these claims are rejected under the same rationale.



Art Unit: 2168

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy N. Pardo whose telephone number is 571-272-4082. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thuy N. Pardo/  
Primary Examiner, Art Unit 2168